



PTO/SB/30 (08-03)

Approved for use through 07/31/2006. OMB 0651-0031

U. S. Patent and Trademark Office: U.S. DEPARTMENT OF COMMERCE

SUBSTITUTE for PTO/SB/30 (08-03), REQUEST FOR CONTINUED EXAMINATION (RCE) TRANSMITTAL

**REQUEST
FOR
CONTINUED EXAMINATION (RCE)
TRANSMITTAL**Address to:
Mail Stop RCE
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Application Number	09/701,229
Filing Date	August 23, 2001
First Named Inventor	El-Sherbeini
Group Art Unit	1645
Examiner Name	Portner, Virginia Allen
Attorney Docket Number	20193P

This is a Request for Continued Examination (RCE) under 37 C.F.R. § 1.114 of the above-identified application.

Request for Continued Examination (RCE) practice under 37 C.F.R. § 1.114 does not apply to any utility or plant application filed prior to June 8, 1995, or to any design application.

1. **Submission required under 37 C.F.R. § 1.114** Note: If the RCE is proper, any previously filed unentered amendments and amendments enclosed with the RCE will be entered in the order in which they were filed unless applicant instructs otherwise. If applicant does not wish to have any previously filed unentered amendment(s) entered, applicant must request non-entry of such amendment(s).
- a. ☐ Previously submitted. If a final Office action is outstanding, any amendments filed after the final Office action may be considered as a submission even if this box is not checked.
- i. ☐ Consider the arguments in the Appeal Brief or Reply Brief previously filed on _____
- ii. ☐ Other _____
- b. ☒ Enclosed
- i. ☒ Amendment/Reply
- ii. ☐ Affidavit(s)/Declaration(s)
- iii. ☐ Information Disclosure Statement (IDS) 07/14/2004 SDIRETA1 00000035 132755 09701229
- iv. ☒ Return Receipt Postcard (itemized) 01 FC:1601 770.00 DA
- v. ☐ Other _____
2. **Miscellaneous**
- a. ☐ Suspension of action on the above-identified application is requested under 37 C.F.R. § 1.103(c) for a period of _____ months. (Period of suspension shall not exceed 3 months; Fee under 37 C.F.R. § 1.17(i) required)
- b. ☐ Other _____
3. **Fees**
- ☒ The Director is hereby authorized to charge the following fees, or credit any overpayments, to Deposit Account No. **13-2755**
- i. ☒ RCE fee required under 37 C.F.R. § 1.17(e)
- ii. ☐ Extension of time fee (37 C.F.R. § 1.136 and 1.17)
- iii. ☐ Other _____

SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT REQUIRED

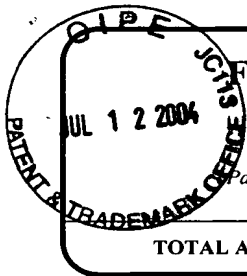
Name (Print/Type)	Michael D. Yablonsky	Registration No.	40,407
Signature		Date	July 7, 2004

NOTE: SEND TO MAIL STOP RCE

CERTIFICATE OF MAILING OR FACSIMILE TRANSMISSION

I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450, or facsimile transmitted to the U.S. Patent and Trademark Office on:

Name (Print/Type)	KathyAnn Krajcik		
Signature		Date	July 7, 2004



FEE TRANSMITTAL

Patent fees are subject to annual revision.

TOTAL AMOUNT OF PAYMENT

\$770

Complete if Known

Application Number	09/701,229
Filing Date	August 23, 2001
First Named Inventor	El-Sherbeini
Examiner Name	Portner, Virginia Allen
Group Art Unit	1645
Attorney Docket Number	20193P

METHOD OF PAYMENT

☒ Deposit Account

Deposit Account Number

13-2755

Deposit Account Name

Merck & Co., Inc.

The Director is authorized to:

☒ Charge fee(s) indicated below ☒ Credit any overpayments

☒ Charge any additional fee(s) during the pendency of this application

FEE CALCULATION

1. BASIC FILING FEE

Large Fee Code	Entity Fee (\$)	Fee Description	Fee Paid
1001	770	Utility filing fee	
1002	340	Design filing fee	
1004	770	Reissue filing fee	
1005	160	Provisional filing fee	

SUBTOTAL(1) \$0

2. EXTRA CLAIM FEES

	Extra	Fee from below	Fee Paid
Total Claims	20 ** =	0 x \$18 =	0
Independent Claims	3 ** =	0 x \$86 =	0
Multiple Dependent Claims		\$290 =	

**or number previously paid, if greater; For Reissues, see below

Large Fee Code	Entity Fee (\$)	Fee Description
1202	18	Claims in excess of 20
1201	86	Independent claims in excess of 3
1203	290	Multiple dependent claim, if not paid
1204	86	**Reissue independent claims over original patent
1205	18	**Reissue claims in excess of 20 and over original patent

SUBTOTAL(2) \$0

3. ADDITIONAL FEES

Fee Code	Large Entity Fee (\$)	Fee Description	Fee Paid
1051	130	Surcharge - late filing fee or oath	
1812	2,520	For filing a request for <i>ex parte</i> reexamination	
1251	110	Extension for reply within first month	
1252	420	Extension for reply within second month	
1253	950	Extension for reply within third month	
1254	1,480	Extension for reply within fourth month	
1255	2,010	Extension for reply within fifth month	
1401	330	Notice of Appeal	
1402	330	Filing a brief in support of an appeal	
1403	290	Request for oral hearing	
1452	110	Petition to revive - unavoidable	
1453	1,330	Petition to revive - unintentional	
1501	1,330	Utility issue fee (or reissue)	
1502	480	Design issue fee	
1460	130	Petitions to the Commissioner	
1807	50	Processing fee under 37 CFR 1.17(q)	
1806	180	Submission of Information Disclosure Statement	
8021	40	Recording each patent assignment per property (times number of properties)	
1809	770	Filing a submission after final rejection (37 CFR 1.129(a))	
1810	770	For each additional invention to be examined (37 CFR 1.129(b))	
1801	770	Request for Continued Examination (RCE)	770
Other fee (specify) _____			
Other fee (specify) _____			
SUBTOTAL(3)			\$770

SUBMITTED BY

Complete (if applicable)

Typed or Printed Name Michael D. Yablonsky

Reg. Number 40,407

Signature

Date 07/07/2004

Deposit Account User ID

IN DUPLICATE



Application Number: 09/701,229
Filing Date: 08/23/2001
First Named Inventor: El-Sherbeini
Group Art Unit: 1645
Examiner Name: Portner, Virginia Allen
Attorney Docket Number: 20193P

FIRST CLASS MAIL CERTIFICATE

I HEREBY CERTIFY THAT THIS CORRESPONDENCE IS BEING DEPOSITED WITH THE UNITED STATES POSTAL SERVICE AS FIRST CLASS MAIL IN AN ENVELOPE ADDRESSED TO: COMMISSIONER FOR PATENTS, P.O. BOX 1450, ALEXANDRIA, VIRGINIA 22313-1450, ON THE DATE APPEARING BELOW.

MERCK & CO., INC.

MAILED BY

Kathy Krajcik

DATE

7/7/04



PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicants: El-Sherbeini, et al.

Serial No.: 09/701,229 Case No.: 20193P

Filed: August 23, 2001

For: MURD PROTEIN AND GENE OF
PSEUDOMONAS AERUGINOSA

Art Unit:

1645

Examiner:

Portner, Virginia A.

Commissioner for Patents
P.O. Box 1450
Alexandria VA 22313-1450

AMENDMENT

Sir:

This communication is in response to the Final Official Action which was mailed on April 8, 2004, and which has a shortened statutory period for reply that expires on July 8, 2004. Applicants are concurrently filing a Request for Continued Examination. Applicant requests entry of the amendments presented herein. Applicant also requests examination of the application in view of the amendments and remarks presented herein. No fee is believed to be due in connection with the filing of this Preliminary Amendment. However, the Commissioner is authorized to charge Deposit Account 13-2755 for the Petition fee and any other fee(s) required to effect this Petition.

CERTIFICATE OF MAILING

I HEREBY CERTIFY THAT THIS CORRESPONDENCE IS BEING
DEPOSITED WITH THE UNITED STATES POSTAL SERVICE AS
FIRST CLASS MAIL IN AN ENVELOPE ADDRESSED TO:
COMMISSIONER FOR PATENTS, P.O. BOX 1450, ALEXANDRIA,
VIRGINIA 22313-1450, ON THE DATE APPEARING BELOW.

MERCK & CO., INC.

BY:

Kathy Krajch

DATE:

7/7/04